

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2002-0104

Adopting Categorical Waivers and General Waste Discharge Requirements  
for Discharges Related to  
Timber Harvest Activities  
in the  
North Coast Region

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a report of waste discharge (“report of waste discharge” or “ROWD”) containing such information and data as may be required by the Regional Water Board;
2. The Regional Water Board has a statutory obligation to prescribe waste discharge requirements except where the Regional Water Board finds that a waiver of waste discharge requirements for a specific type of discharge is not against the public interest pursuant to CWC Section 13269;
3. CWC Section 13269 provides that any such waiver of waste discharge requirements shall be conditional and may be terminated at any time by the Regional Water Board;
4. The Regional Water Board, in accordance with CWC Section 13269, waived waste discharge requirements for timber harvest activities in 1987 as set forth in Regional Water Board Resolution Nos. 87-113;
5. Recent amendments to CWC Section 13269 (SB 390) provide that these waivers expire effective January 1, 2003, and that new waivers of waste discharge requirements for specific types of discharges must be renewed every five years;
6. The Regional Water Board, in compliance with CWC Section 13269, reviewed the previously issued categorical waiver for timber harvest activities and has determined that it should be eliminated and replaced by a new categorical waiver and general waste discharge orders;
7. In accordance with CWC Section 13269, the waste discharges for timber harvest activities shall be regulated in the future by waivers, or individual or general waste discharge requirements.



8. The State Water Resources Control Board has designated the United States Department of Agriculture, Forest Service (US Forest Service), as the Water Quality Management Agency for all activities on National Forest Service Lands effective May 26, 1981.
9. The United States Environmental Protection Agency certified the US Forest Service Water Quality management Plan and Practices as "Best Management Practices" in 1981 under section 208 of the Clean Water Act.
10. The Regional Water Board, based on the aforementioned hearing and above-noted facts and findings, finds that waivers of waste discharge requirements for timber harvest activities would not be against the public interest provided that all dischargers:
  - (a) comply with the conditions for waivers of waste discharge requirements as set forth herein;
  - (b) file with the Regional Water Board, or with the appropriate permitting agency by written agreement with the Regional Water Board, the applicable eligibility documents as described herein, to demonstrate that compliance with the waiver conditions specified herein will be achieved; and
  - (c) comply with applicable State Water Resources Control Board and Regional Water Board plans and policies, as summarized in Attachment A, and as those plans and policies may be amended from time to time through the Basin Plan amendment process.
11. The US Environmental Protection Agency may certify that the California Forest Practice Rules are Best Management Practices for timber operations on non-federal lands pursuant to Section 208 of the Clean Water Act, at which time timber harvest activities on non-federal lands will be exempt from waste discharge requirements pursuant to the Z'berg-Nejedly Forest Practice Act section 4514.3, except as provided for in section 4514.3(b)(1)-(3).
12. This waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in Water Code 13263;
13. Pursuant to CWC Section 13269, the waivers of waste discharge requirements for the categories of waste specified herein shall not exceed five years in duration; that this action waiving the issuance of waste discharge requirements for certain specific types of discharges (a) is conditional, (b) may be terminated at any time, (c) does



not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Water Board from administering enforcement remedies (including civil penalties) pursuant to the CWC;

14. The Executive Officer or Regional Water Board may terminate the applicability of the waivers contained herein to any timber harvest activities at any time when such termination is in the public interest and/or the timber harvest activities could affect the quality or beneficial uses of the waters of the state;
15. A waiver of waste discharge requirements for a type of discharge may be superceded by the adoption by the State Water Resources Control Board or Regional Water Board of specific waste discharge requirements or general waste discharge requirements for that type of discharge;
16. Discharges from timber harvest activities are produced by similar operations, involve similar types of waste, and require similar treatment standards. Therefore, some of these discharges are appropriately regulated under General Waste Discharge Requirements (WDRs) rather than individual WDRs.
17. The Regional Water Board may determine that discharges for projects where the applicant proposes to obtain coverage under General Categorical Waivers or WDRs contained herein would be better regulated under individual Waivers or WDRs or under other General WDRs.
18. Pursuant to the Water Quality Control Plan for the North Coast Region (Basin Plan), including State Water Resources Control Board (State Water Board) Resolution No. 88-63, the existing and potential beneficial uses of waters potentially affected by the proposed activity include:
  - a. Municipal and Domestic Supply (MUN)
  - b. Agricultural Supply (AGR)
  - c. Industrial Service Supply (IND)
  - d. Navigation (NAV)
  - e. Water Contact Recreation (REC-1)
  - f. Non-contact Water Recreation (REC-2)
  - g. Cold Freshwater Habitat (COLD)
  - h. Wildlife habitat (WILD)
  - i. Rare, Threatened, or Endangered Species (RARE)
  - j. Marine Habitat (MAR)
  - k. Migration of Aquatic Organisms (MIGR)
  - l. Spawning, Reproduction, and/or Early Development (SPWN)
  - m. Shellfish Harvesting (SHELL)
  - n. Estuarine Habitat (EST)



o. Aquaculture (AQUA)

19. The Basin Plan contains water quality objectives developed to protect the above-listed beneficial uses of water. Economic considerations were considered as required by law during the development of these objectives. Prohibitions, provisions, and specifications contained in this Order implement these previously developed water quality objectives. Compliance with water quality objectives will protect the beneficial uses listed in Finding 18 above.
20. The Regional Water Board, acting as the lead agency for this project under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA), has conducted an Initial Study in accordance with Title 14, California Code of Regulations, Section 15063;
21. The Regional Water Board staff has prepared a proposed Negative Declaration, a copy of which is attached hereto, in accordance with CEQA and the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and the Negative Declaration concludes that the waiver of waste discharge requirements for timber harvest operations pursuant to this policy will not have a significant impact on the environment;
22. Copies of the proposed Negative Declaration were transmitted to all agencies and persons known to be interested in this matter according to the applicable provisions of CEQA;
23. The Regional Water Board conducted a public hearing on December 10, 2002, in Santa Rosa, California, and considered all evidence concerning this matter;
24. The Regional Water Board, based on the testimony received at the aforementioned hearing, and the negative declaration determines that the adoption of the waivers of waste discharge requirements and general waste discharge requirements for timber harvest activities in accordance with this policy will not have a significant impact on the environment.
25. The Regional Water Board, in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State Guidelines, determines that there will be no significant adverse environmental impacts, individually, or cumulatively from the waivers and general WDRs authorized herein provided that there is compliance with the provisions of this Resolution.
26. As provided by CWC Section 13350(a), any person may be liable for civil penalties if that person in violation of a waiver condition or waste discharge requirements, intentionally or negligently discharges waste, or causes waste to be deposited where



it is discharged, into the waters of the state and creates a condition of pollution or nuisance.

THEREFORE IT IS HEREBY ORDERED:

A. The following definitions apply to these waivers and general waste discharge requirements:

1. "Timber Harvest Activities" means all activities on timberland relating to timber harvesting, including the cutting or removal or both of timber and other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for the falling of trees, fire hazard abatement, site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, and herbicide application, but excluding treemarking, surveying or roadflagging. "Commercial purposes" includes the cutting or removal of trees which are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber, including but not limited to residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.
2. "Discharger" means the timberland owner and anyone working on behalf of the timberland owner in the conduct of timber harvest activities for non-federal lands, the US Forest Service, private timber operators operating on federal lands, and anyone working on behalf of the US Forest Service or timber operator in the conduct of timber harvest activities on federal lands.
3. "Plan" means any Timber Harvest Plan (THP), Non Industrial Timber Management Plan (NTMP), or other discretionary permit issued by CDF to harvest timber, including amendments thereto.
4. "Requirement of an Applicable Water Quality Control Plan" means a water quality objective, prohibition, TMDL implementation plan, or other requirement contained in a water quality control plan adopted or approved by the State Water Resources Control Board that applies to the timber harvest activities. (Excerpts of the currently applicable requirements are included in Attachment A for the discharger's convenience; Attachment A will be revised from time to time.)



5. "Monitoring" refers to all types of monitoring undertaken in connection with determining water quality conditions and factors that may affect water quality conditions, including but not limited to, instream water quality monitoring undertaken in connection with timber operations, monitoring to identify short and long-term trends in water quality, active inspections of timber operations, hillslope implementation and effectiveness monitoring, and project completion inspections for timber operations."
  6. All other terms shall have the same definitions as prescribed by the California Forest Practice Rules and the Porter-Cologne Water Quality Control Act, unless specified otherwise.
- B. Subject to the conditions set forth in this Order, the Regional Water Board waives the issuance of waste discharge requirements for the following specific categories of waste discharges associated with timber harvest activities, except for those activities enrolled in general waste discharge requirements pursuant to this Resolution or for which specific waste discharge requirements have been adopted, provided that conditions B(1) and B(2) for private timber lands, and B(3) and B(4) for federal timber lands managed by the US Forest Service, respectively, continue in force.
1. The Forest Practices Rules continue to be certified by the State Water Resources Control Board as "Best Management Practices" and the California Board of Forestry and the California Department of Forestry and Fire Protection continue to be designated as the joint management agencies for implementation of the of the Water Quality Management Plan for timber operations on nonfederal lands in California.
  2. The California Board of Forestry and the California Department of Forestry and Fire Protection maintain a water quality regulatory program consistent with the North Coast Regional Water Quality Control Plan, a timber harvest plan verification system, including but not limited to inspection, surveillance, and enforcement, acceptable to the Regional Water Board, and a regulatory process sufficient to maintain water quality basin plan standards and "Total Maximum Daily Load" prescriptions as from time to time adopted by the Regional Water Board and approved by the State Water Resources Control Board.
  3. The State Water Resources Control Board continues to certify and the US Environmental Protection Agency continues to approve, pursuant to section 208 of the Federal Water Pollution Control Act, the "Water Quality Management for National Forest Lands in California" as being Best Management Practices (BMPs) and the US Forest Service as the implementing agency.



4. The US Forest Service continues to implement “Best Management Practices” and procedures for protection of water quality identified in the document entitled “Water Quality Management For National Forest System Lands in California,” maintains a water quality program consistent with the North Coast Regional Water Quality Control Plan, and includes a plan verification system to ensure consistent implementation, inspection, surveillance, enforcement and monitoring of BMPs.
- C. In compliance with CWC Section 13269, the Executive Officer will develop and implement a program to require compliance with the conditions pursuant to which waste discharge requirements are waived by this Resolution.
- D. The following list of General Conditions applies to all waiver categories I through IV:
1. The discharger must comply with all applicable provisions of the plans and policies identified in Attachment A, and as these may be modified from time to time pursuant to amendments to Water Quality Control Plans and Policies;
  2. The discharger shall conduct timber harvest activities in accordance with the approved Plan or exemption or emergency notice for private timberlands; or in accordance with the final environmental document and decision document as described under the National Environmental Policy Act (NEPA) for timber harvest activities on public lands managed by the US Forest Service;
  3. The discharger shall not create a pollution, contamination, or nuisance, as defined by CWC Section 13050;
  4. The discharger shall not discharge any waste not specifically regulated by the waivers described herein, and such specifically regulated wastes are earthen materials including soil, silt, sand, clay, rock, or organic materials such as slash, sawdust, or bark, and the discharger shall not cause alteration in stream temperature which exceeds water quality control plan requirements;
  5. The discharger shall not discharge petroleum products, hazardous materials, or human wastes.
  6. The discharger shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver condition.



- E. Any person seeking coverage under a categorical waiver of waste discharge requirements adopted by this Order shall file the applicable eligibility document(s) as described herein with the Regional Water Board. Prior to the commencement of timber operations, the discharger shall, in writing, file with the Regional Water Board a Notice of Intent. General WDRs (ROWD and fee) covered by G, below) certifying that the timber harvest activities will comply with all provisions of this waiver and any and all water quality regulations. The certification Notice shall be signed by the owner or an authorized representative.
- F. Discharges associated with timber harvest activities that comply with the eligibility criteria and procedures for a waiver may commence upon receipt by the Regional Water Quality Control Board of the applicable documents as described in waiver Categories I through IV. However, the Executive Officer shall terminate the applicability of a waiver to specific timber harvest activities if the Executive Officer makes any of the following determinations:
1. The proposed timber harvest activities do not comply with the eligibility criteria for the waiver;
  2. The timber harvest activities are not in compliance with the applicable conditions of the waiver;
  3. The proposed timber harvest activities are reasonably likely to result in violation of any provision of a water quality control plan. In making this determination, the Executive Officer shall consider the recommendations of staff who participated in the review of the proposed timber harvest activities, if any;.
  4. A timber operation that has varied in whole or in any part from the approved timber harvest plan(s), unless these changes result in better environmental protection;
  5. The Executive Officer has received a request that waste discharge requirements be issued from any California State Agency or subdivision thereof and the Executive Officer agrees with the request; or
  6. Where cumulative impacts, special hydrographic characteristics, or other circumstances create a threat to water quality that is not otherwise addressed by the waiver conditions.
- G. Upon receipt of notice of termination of applicability of the waiver, the discharger shall immediately cease all timber harvest activities that may result in discharges that could affect the quality of waters of the state, other than activities necessary to control erosion. Upon notice of termination, the discharger must file a report of waste discharge and applicable waste discharge fee. Timber harvest activities that may result in discharges that could affect the quality of waters of the state may commence only upon enrollment by the Executive Officer under general waste discharge requirements, the adoption by the Regional Water Quality Control Board of an



individual waiver of waste discharge requirements or individual waste discharge requirements, or in accordance with Water Code section 13264(a).

H. Timber harvest activities that meet the eligibility criteria and waiver conditions, as set out by waiver Categories I through IV, described below, are waived, subject to the terms and conditions of this policy.

1. CATEGORY I WAIVERS ARE FOR MINOR TIMBER HARVEST ACTIVITIES ON NON-FEDERAL LANDS.

- a. Eligibility for Category I timber harvest activities is based on compliance with all of the following criteria as clearly indicated in the Plan submitted to CDF:
  - i. No timber harvest activities on slopes greater than 60%.
  - ii. No tractor or heavy equipment operations on slopes greater than 50%.
  - iii. No construction of new tractor roads on slopes greater than 40%.
  - iv. No timber harvest activities within any Special Treatment Area, as defined in 14 CCR 895.1, except hauling over existing roads that complies with the rules associated with that Special Treatment Area.
  - v. No tractor or heavy equipment operations on known slides or unstable areas.
  - vi. No new construction or reconstruction, as defined in 14 CCR 895.1, of logging roads, landings, or watercourse crossings.
  - vii. No timber harvest activities within the standard width of a watercourse or lake protection zone or equipment limitation zone, as defined in 14 CCR 916.4 [936.4, 956.4](b) and (c), except for use and maintenance of existing permanent roads, use of existing bridges and existing culverts as skid trail crossings, and maintenance of associated drainage facilities or structures.
  - viii. No timber harvest activities that may disturb, threaten, or damage known or potential aquatic or wetland habitat for rare, threatened or endangered plants or animals.
  - ix. No timber harvest activities within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.
  - x. No timber harvest activities on soils with high or extreme erosion hazard



rating.

- xii. No heavy equipment operation in meadows or wet areas, except use and maintenance of existing roads and associated drainage facilities or structures.
  - xiii. No timber harvest activities during the winter period from October 15 through May 1, or under saturated soil conditions as defined in 14 CCR 895.1.
  - xiv. No timber harvest activities involving mechanical site preparation, as defined in 14 CCR 895.1.
  - xv. No timber harvest activities involving prescribed burning.
  - xvi. No timber harvest activities that do not meet minimum stocking requirements immediately upon completion of harvest, as defined in 14 CCR 912.7 [932.7, 952.7].
  - xvii. No timber harvest activities that include, are accompanied by, or followed by post-harvest applications of herbicides.
- b. The Regional Water Quality Control Board waives the requirements to submit a report of waste discharge and issue waste discharge requirements for timber harvest activities on non-federal lands upon receipt by the Regional Water Quality Control Board of a copy of an approved Plan, or exemption or emergency notice, that includes the above eligibility criteria. This waiver is subject to the General Conditions described in D, above.
2. CATEGORY II WAIVERS ARE FOR MINOR EXEMPT OR EMERGENCY TIMBER HARVEST ACTIVITIES ON NON-FEDERAL LANDS THAT DO NOT QUALIFY FOR WAIVER UNDER CATEGORY I.
- a. Eligibility for Category II timber harvest activities is based on compliance with all of the following criteria as clearly indicated in the Plan or the Notice of Exemption or Notice of Emergency submitted to CDF.
    - i. The Registered Professional Forester (RPF), after conducting a comprehensive field review of proposed timber activities, has clearly identified any and all of the following conditions that apply to the proposed exempt or emergency timber harvest activities:
      - aquatic or wetland habitat for salmonids or rare, threatened or endangered species,



- domestic or municipal water use within one mile downstream of the Plan,
  - soils with high or extreme erosion hazard rating,
  - known slides and unstable areas, including unstable and erodible watercourse banks,
  - changeable channels, overflow channels, inadequate flow capacity, flood prone areas, riparian areas, elevated stream temperatures,
  - all existing and proposed watercourse crossings, and existing and proposed near-stream landings and skid trails.
- ii. The Notice of Exemption or Notice of Emergency identifies any additional practices or water quality mitigation or protective measures (beyond the requirements of the current Forest Practice Rules) to address, at a minimum, the conditions described in Section H(2)(a)(i) above, winter period operations between October 15 and May 1, and cumulative watershed effects, to assure compliance with the requirements of all applicable water quality control plans.
- b. The Regional Water Quality Control Board waives the requirements to submit a report of waste discharge, filing fee, and obtain waste discharge requirements for timber harvest activities on non-federal lands upon receipt by the Regional Water Quality Control Board of a copy of a Notice of Exemption or Notice of Emergency that meets the eligibility criteria in H(2)(a), above.
- c. This waiver is subject to the General Conditions described in D, above, and the following specific conditions:
  - i. The Regional Water Quality Control Board shall be notified at least 45 days prior to the proposed application of herbicides. The notification shall include the type of herbicide, method and area of application, and measures that will be employed to assure compliance with all applicable water quality control plans. Subsequent changes to the proposal must be submitted in writing forthwith and in no event less than 48 hours before the application.
  - ii. Submit and comply with a monitoring program when directed in writing by the Executive Officer.
  - iii. Within thirty (30) days after completion of timber harvest activities under a notice of exemption or emergency, the RPF shall submit to Regional Water Quality Control Board a report signed by the landowner and timber owner certifying compliance with the above waiver conditions and



indicating whether the additional practices or water quality mitigation or protective measures (beyond the requirements of the current Forest Practice Rules) to address, at a minimum, the conditions described in H(2)(a), above, winter period operations between October 15 and May 1, and cumulative watershed effects were implemented during operations.

3. CATEGORY III WAIVERS ARE FOR TIMBER HARVEST ACTIVITIES IN PLANS ON NON-FEDERAL LANDS THAT DO NOT MEET THE CRITERIA FOR CATEGORY I OR II, AND ARE ELIGIBLE FOR A WAIVER.

- a. Eligibility for Category III timber harvest activities is based on compliance with all of the following criteria as clearly indicated in the Plan submitted to CDF:
  - i. The RPF, after conducting a comprehensive field review of proposed timber operations, has clearly identified any and all of the following conditions that apply to the proposed Plan:
    - aquatic or wetland habitat for salmonids or rare, threatened or endangered species,
    - domestic or municipal water use within one mile downstream of the Plan,
    - soils with high or extreme erosion hazard rating,
    - known slides and unstable areas, including unstable and erodible watercourse banks,
    - changeable channels, overflow channels, inadequate flow capacity, flood prone areas, riparian areas, elevated stream temperatures,
    - all existing and proposed watercourse crossings, and existing and proposed near-stream landings and skid trails.
  - ii. Additional field review has been conducted by an aquatic biologist, with a degree in biology and experience in aquatic systems, to determine if the Plan could adversely affect aquatic or wetland habitat for salmonids or rare, threatened or endangered species. Additional field review has been conducted or directed by a registered civil engineer or registered engineering geologist, as his/her California license for practicing engineering and geology permits, whenever the Plan proposes timber harvest activities on soils with extreme erosion hazard rating, known slides, or unstable areas, or in sensitive near-stream conditions, or proposes any watercourse crossing that involves the placement of more than 500 cubic yards or 25 vertical feet of fill material.
  - iii. The approved Plan:



- a. Incorporates, as addenda, signed technical reports from qualified professionals when the conditions listed in H(3)(a)(i), above, are encountered.
  - b. Identifies any additional practices or water quality mitigation or protective measures (beyond the requirements of the current Forest Practice Rules) to address, at a minimum, the conditions described in H(3)(a)(I), above, winter period operations between October 15 and May 1, and cumulative watershed effects, that were developed by the discharger to assure compliance with the requirements of all applicable water quality control plans.
  - c. Identifies any additional practices or water quality mitigation or protective measures (beyond the requirements of the current Forest Practice Rules) to address, at a minimum, the conditions described in H(3)(a), above, winter period operations between October 15 and May 1, and cumulative watershed effects, that were developed during the interdisciplinary review team and public comment processes to assure compliance with the requirements of all applicable water quality control plans.
- b. The Regional Water Quality Control Board waives the requirements to submit a report of waste discharge, filing fee, and obtain waste discharge requirements for timber harvest activities on non-federal lands upon receipt by the Regional Water Quality Control Board of: (1) a copy of a Notice of Exemption or Notice of Emergency that meets the eligibility criteria in H(3)(a), and (2) a certification signed by the RPF stating that the approved Plan accurately represents site conditions, and that reasonable implementation of the approved Plan will assure compliance with the applicable water quality control plan requirements.
- c. This waiver is subject to the General Conditions described in D, above, and the following specific conditions:
  - i. For an approved NTMP, the Notice of Timber Operations shall be submitted to the Regional Water Quality Control Board thirty days prior to timber harvest activities,
  - ii. The Regional Water Quality Control Board shall be notified at least 45 days prior to the proposed application of herbicides. The notification shall include the type of herbicide, method and area of application, and measures that will be employed to assure compliance with all applicable water quality control plans. Subsequent changes to the proposal must be submitted in writing forthwith and in no event less than 48 hours before the application.
  - iii. Submit and comply with a monitoring program when directed in



writing by the Executive Officer.

- iv. Upon filing annual or completion reports with CDF, the landowner shall submit forthwith a copy of said reports to the Regional Water Board and shall certify compliance with the above waiver conditions and indicating whether the additional practices or water quality mitigation or protective measures (beyond the requirements of the current Forest Practice Rules) addressing, at a minimum, the conditions described in H(3)(a), above, winter period operations between October 15 and May 1, and cumulative watershed effects were implemented during operations.

4. CATEGORY IV WAIVERS ARE FOR TIMBER HARVEST ACTIVITIES ON FEDERAL LANDS

- a. Eligibility for Category IV timber harvest activities is based on compliance with all of the following criteria as clearly indicated in the environmental and decision documents prepared for compliance with NEPA:
  - i. The discharger has conducted a multi-disciplinary review of the timber harvest proposal and has specified Best Management Practices (BMPs), and additional control measures as needed, in order to assure compliance with all requirements of applicable water quality control plans.
  - ii. The discharger has conducted a cumulative watershed effects (CWE) analysis and included specific measures needed to reduce the potential for CWEs in order to assure compliance with all requirements of applicable water quality control plans.
- b. The Regional Water Quality Control Board waives the requirements to submit a report of waste discharge, filing fee, and obtain waste discharge requirements for timber harvest activities on federal lands upon receipt by the Regional Water Quality Control Board of a copy of a final environmental (NEPA) document and decision document.
- c. This waiver is subject to the General Conditions described in D, above, and the following specific conditions:
  - i. The discharger shall submit and comply with a monitoring program prior to commencement of timber operations when: (a) the cumulative watershed effects analysis indicates that the project may cause any watershed or sub-watershed to exceed a threshold of concern as determined by various models (Equivalent Roaded Acres (ERA), Surface Erosion (USLE), Mass Wasting (GEO), etc.); or (b) the cumulative watershed effects analysis



indicates that the project may increase risk values, as determined by various models (Equivalent Roaded Acres (ERA), Surface Erosion (USLE), Mass Wasting (GEO), etc.), in any watershed or subwatershed that already exceeds a threshold of concern prior to project implementation. The Executive Officer retains the discretion to waive this requirement, or to impose monitoring requirements in other situations, as appropriate.

## 5. GENERAL WASTE DISCHARGE REQUIREMENTS

- a. The discharger may apply for coverage under these general waste discharge requirements when Categories I through IV are not applicable to his/her project, or when other circumstances require obtaining waste discharge requirements:
- b. The prohibitions, provisions, specifications, and other requirements of the General WDRs are set out below.

### I. APPLICATION PROCEDURES

- A. Upon adoption of this Order, dischargers of wastes associated with timber harvest activities which do not qualify for a waiver must file an application for coverage under the General WDRs as described below. Unpermitted dischargers of wastes associated with timber harvest activities who fail to submit a ROWD or qualify for a waiver will be subject to enforcement under CWC Section 13264 and other applicable law.
- B. Dischargers shall seek coverage under these General WDRs by filing: (1) an application (either a standard application for WDRs (Report of Waste Discharge), a Form 200, or an equivalent document); and (2) an annual fee. The Regional Water Board staff will review the application and will make a preliminary determination of whether coverage under these General WDRs, individual WDRs, or a waiver of WDRs is appropriate. Regional Water Board Staff will notify the discharger in writing of its preliminary determination. The preliminary determination will notify the discharger of the type of CEQA compliance required to support a determination that the discharge is covered.
- C. Coverage under these Waste Discharge Requirements shall not take effect until: the discharger's application is determined to be complete and the discharger has received written notification from the Executive Officer or the Regional Water Board stating that coverage under this order is appropriate. individual WDRs and/or an NPDES permit, the



applicability of these General WDRs to the discharge is immediately terminated on the date the coverage under the other set of General WDRs takes effect, or on the effective date of the waiver of WDRs, individual WDRs or NPDES permit.

## **II. DISCHARGE PROHIBITIONS**

- A. The controllable discharge or deposition of soil, silt, bark, slash, sawdust, or other earthen or organic material other than large woody debris from any logging, construction or associated activity into waters of the state, to a location where such material could pass into waters of the state. Controllable discharges or depositions are those discharges or depositions resulting from human activities that can influence the quality of waters of the State and that can be reasonably controlled through prevention, mitigation, or restoration.
- B. Creation of a condition of pollution, contamination, or nuisance, as these terms are defined in California Water Code section 13050, is prohibited.
- C. The discharge of storm water from a facility or activity that causes or contributes to the violation of water quality standards or water quality objectives (collectively WQSs) is prohibited.

## **II. DISCHARGE SPECIFICATIONS**

- A. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause coloration that causes nuisance or adversely affect the beneficial uses of any affected waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Color, page 3-2.00).
- B. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or that cause nuisance or adversely affect the beneficial uses of any affected waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Taste and Odor, page 3-2.00).
- C. Discharge from timber harvesting and related activities associated



therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain floating material, including solids, liquids, foams, and scum in concentrations that cause nuisance or adversely affect the beneficial uses of any affected waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Floating Material, page 3-2.00).

- D. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain suspended material in concentrations that cause nuisance or adversely affect the beneficial uses of any affected waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Suspended Material, page 3-2.00).
- E. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not result in deposition of material that adversely affects the beneficial uses of waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Settleable Material, page 3-2.00).
- F. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the beneficial uses of any affected waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Oil and Grease, page 3-3.00).
- G. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause waters to contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the beneficial uses of any affected waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Biostimulatory Substances, page 3-3.00).
- H. Discharge from timber harvesting and related activities associated



therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause the suspended sediment load and the suspended sediment discharge rate to be altered in such a manner as to cause nuisance or adversely affect beneficial uses of any affected waters of the state (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Sediment, page 3-3.00).

- I. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause the turbidity of any affected receiving waters, to be increased more than 20 percent above naturally occurring background levels (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Turbidity, page 3-3.00). Naturally occurring background levels of water quality are those levels of water quality that would naturally occur in the affected receiving waters, absent controllable discharges.
- J. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause any receiving waters to contain any toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Toxicity, page 3-4.00).
- K. Discharge from timber harvesting and related activities associated therewith (including appurtenant roads) under any or all of the timber harvest plans shall not cause an individual pesticide or combination of pesticides to be present in concentrations that adversely affect beneficial uses of any affected waters of the state. There shall be no bioaccumulation of pesticide concentrations found in bottom sediments or aquatic life (Basin Plan, section 3, Water Quality Objectives, Objectives for Inland Surface Waters, Enclosed Bays, and Estuaries, Pesticides, page 3-4.00).

### **III. DISCHARGE PROVISIONS**

#### **A. Copies of Order**

Copies of this Order shall be maintained at appropriate business office(s) and field location(s) so as to be readily available for reference by any personnel at all times.



B. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

C. Operation and Maintenance

The Discharger must, at all times, maintain in good working condition and operate as efficiently as possible all facilities, treatment systems, erosion control systems and related appurtenances that allow for management of controllable waste discharges to potentially affected waters of the state. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

D. Unplanned Change in Discharge

The Discharger must promptly report to the Regional Water Board in writing any unplanned material change in the volume or location of waste discharge as it may affect waters of the state. Such changes include, but are not limited to, landslides, herbicides, pesticides, petroleum hydrocarbons, and accidental spills.

E. Change in Ownership

In the event of any change in control or ownership of land or waste discharge presently owned or controlled by the Discharger, the Discharger must notify the succeeding owner or operator of the following items by letter, a copy of which must be forwarded to the Regional Water Board.

- a. existence of this Order, and
- b. the status of the Discharger's annual fee account

F. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Discharger from liability under federal, state, or local laws, nor create a vested right for the Discharger to continue the discharge of waste.

G. Monitoring



The Discharger shall comply with any applicable Monitoring and Reporting Program requirements, as specified by the Executive Officer.

#### H. Inspections

The Discharger shall permit authorized staff of the Regional Water Board:

1. entry upon premises in which a discharge source is located or in which any records are kept;
2. access to copy any records required to be kept under terms and conditions of this Order;
3. inspection of any monitoring locations, equipment, or records; and
4. sampling of any discharge at any location.

#### I. Inspection Program

1. The Discharger shall have an inspection program to ensure actions are implemented and facilities are constructed, operated, and maintained in accordance with these WDRs. The inspection program shall include training for inspection personnel, documentation of field activities, and a reporting system that can be used to track effectiveness of control measures. This inspection program shall be documented in the ROWD.
2. The Discharger shall inspect active project sites and roads during and after storms to ensure that management practices are functioning adequately and preventing the discharge of pollutants to surface waters or storm water conveyance systems that discharge to surface waters.

#### J. Noncompliance

1. In the event the Discharger is unable to comply with any of the conditions of this Order, the Discharger shall notify the Executive Officer by telephone as soon as it or its agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include descriptions of (1) the nature and cause of the noncompliance; (2) the management practices currently being implemented to correct the noncompliance and dates thereof; (3) any additional management practice(s) that will be implemented to prevent or reduce pollutants that are causing or contributing to the noncompliance; (4) steps being taken to prevent the noncompliance from recurring; and (5) any maintenance



or repair of erosion control measures conducted. This report shall also include an implementation schedule for corrective actions.

2. Immediately after the submitting the noncompliance notification to the Regional Water Board, the Discharger shall revise its ROWD to incorporate the additional management measures that have been and will be implemented, the implementation schedule, and any additional monitoring needed.
3. Nothing in this section shall prevent the Regional Water Board from enforcing any condition(s) of this permit while the Discharger prepares and implements the above report.
4. Specific limitations called for in 5(b)II. Discharge Specification B-2 may be exceeded for very short time periods, and only to the extent that beneficial uses are not impaired, in order to install necessary pollution control facilities such as bridges, culverts, energy dissipation devices, or erosion control devices. A "very short time period" is defined as the period of time necessary to install a given device and to immediately stabilize any disturbed soil following installation. This assumes that no time is allowed to elapse between completion of device installation and commencement of stabilization activities and that stabilization efforts continue, uninterrupted from start to completion.

K. Unscheduled Revision of Requirements

1. The Regional Water Board requires the Discharger to file a ROWD at least 90 days before making any material change or proposed change in the character, location, or volume of any discharge. Such changes include, but are not limited to, amending or modifying covered timber harvest plans, adding new timber harvest plans within the watershed, building new roads, etc.
2. These WDRs may be modified. The filing of a request by the Discharger for WDR modification or a notification of planned changes or anticipated noncompliance does not stay any conditions of these WDRs. Causes for modification include the promulgation of new regulations or adoption of new regulations by the State Water Board or the Regional Water Board, including revisions to the Basin Plan.

L. Herbicide or Pesticide Use Notification



The Discharger shall notify the Regional Water Board in writing 45 days in advance of the use of any herbicide or pesticide between October 15 and May 1 of each year, which is to be applied on any lands covered by this Order. Notification shall include the type of material used and its U.S. EPA registration number, its application rate, its application method, the range, township, and section numbers of land affected, as well as the total number of acres affected, and methods to be employed to ensure that the material is not introduced to waters of the state. Subsequent changes to the proposal must be submitted in writing forthwith and in no event less than 48 hours before the application.

M. Other Applicable Laws and Regulations

5. The Discharger shall comply with all requirements relating to erosion control and water quality protection contained in the Forest Practice Rules, as may be amended from time to time, and contained in the THPs covered by this Order.
6. The Discharger is expected to comply with lawful requirements of Humboldt County, federal agencies, and other State agencies, regarding storm water discharges. These WDRs do not authorize violation of any federal, State, or local law or regulation.

N. Non-Sediment Wastes

The Discharger shall identify and describe additional types and sources of pollutants other than sediment that may be discharged to receiving waters and describe:

- (a) control measures to reduce pollutants to the maximum extent practicable and to minimize the adverse impacts of such sources;
- (b) procedures and Performance Standards for their implementation;
- and,
- (c) procedures for monitoring and record management.

The Discharger shall notify the RWQCB within 48 hours, by telephone, of knowledge of a discharge of non-sediment waste and report discharges of non-sediment waste within any applicable Monitoring and Reporting Program.

O. Emergency Discharges

Discharges or flows from health and safety emergencies, such as fire



fighting activities and accident response, shall be reported to the Regional Water Board within 48 hours of initial abatement activities.



P. Training/Education for Staff and Contractors

1. The Discharger shall ensure that all personnel and contractors whose decisions or activities could affect storm water quality are familiar with the contents of these WDRs.
2. The Discharger shall provide a training program to employees whose activities may affect storm water discharges or who are responsible for inspecting/monitoring discharges in order to reinforce the training.
3. The Discharger shall provide a training program to contractors to raise their awareness of the problems and causes of stormwater pollution and to reinforce their training.

Q. Signatory Requirements

1. All permit applications, reports, or information submitted to the RWQCB shall be signed by a responsible corporate officer or by a duly authorized representative. For the purpose of these WDRs, a responsible corporate officer means:

- (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

A person is a duly authorized representative if:

- (c) the authorization is made in writing by a person described in Item (a) or b) above; and
- (d) the authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- (e) the written authorization is submitted to the Regional Water Board staff prior to or together with any reports, information, or applications signed by the authorized representative.



2. Any person signing a document under Item 8(a) above shall make the following certification:

‘I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

7. This Order and the categorical waivers described herein, shall be reviewed and amended as necessary, and shall expire on December 10, 2007.
8. The Regional Water Board hereby adopts the Order and approves the Negative Declaration , and directs the Executive Officer to file all appropriate notices.

Certification:

I, Susan A. Warner, Executive Officer  
do hereby certify that the foregoing  
is a full, true, and correct copy of  
an Order adopted by the California  
Regional Water Quality Control Board,  
North Coast Region, on December 10, 2002.

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Susan A. Warner  
Executive Officer